

REMARKS

Claims 101-106, 109-116 and 119-128 were pending in the present application. Claim 101 has been amended to recite that the immunoglobulin comprises "a human Fc region." Support for this amendment can be found in the specification, for example at page 56, lines 25-30. Claims 103, 119 and 128 have been canceled without prejudice. Claims 120-123 have been amended to remove dependency on canceled claims 103 and 119. Claim 128 has been canceled because it does not limit the scope of claim 127, which, by its dependency on claim 122, already recites that the immunoconjugate is purified. No new matter has been added by the amendments made herein.

Applicants reserve the right to pursue the subject matter of the canceled and previously pending claims in one or more related applications.

Upon entry of the amendments made herein, claims 101, 102, 104-106, 109-116 and 120-127 will be pending in the present application.

In paragraphs 1 and 3 of the Office Action, the Examiner refers to an Amendment filed on October 16, 2003 and an Information Disclosure filed on October 26, 2003 in connection with the above-identified application. However, Applicants' last submission in connection with the application was made on August 4, 2003, and the List of References Cited initialed by the Examiner is dated August 4, 2003. The Examiner is requested to clarify that the Amendment and Information Disclosure Statement referred to in the Office Action were those of August 4, 2003.

THE DOUBLE PATENTING REJECTION

The double patenting rejection of the claims is maintained from the previous Office Action.

As requested previously, Applicants hereby request that the double-patenting rejection continue to be held in abeyance until the present claims are indicated to be allowable but for the double-patenting rejection, at which time Applicants intend to submit a Terminal Disclaimer, thereby obviating the rejection.

THE REJECTION UNDER 35 U.S.C. § 103 SHOULD BE WITHDRAWN

In paragraph 5 of the Office Action dated December 31, 2003, the Examiner rejected claims 101-106, 109-116 and 120-128, as obvious over Abe in view of Oldham. The Examiner indicates in paragraph 7 of the Office Action that claim 119 would be allowable if rewritten in independent form including all of the limitations of the base claim (*i.e.*, claim 101) and intervening claims (none).

Without agreeing with the Examiner in any way, and merely to expedite prosecution, claim 101 has been amended to recite that the “antibody comprises a human Fc region.” Thus, independent claim 101, as amended herein, as well as all other pending claims dependent thereon, include the language of claim 119 that the Examiner deems made the claim allowable.

In view of the foregoing amendments and remarks, Applicants submit that the rejection of the present claims as obvious under 37 C.F.R. § 103 (a) has been obviated and should be withdrawn.

NOTICE OF ALLOWABLE SUBJECT MATTER

Applicants gratefully acknowledge the recitation by the Examiner that claim 119 would be allowable if re-written in independent form including all the limitations of the base claim and any intervening claims. The Applicants have cancelled claim 119 and amended claim 101 to contain the language of claim 119. Applicants therefore respectfully request allowance of claim 101 and the claims dependent therefrom.

CONCLUSION

Applicants respectfully request that the amendments and remarks of the present response be entered and made of record in the instant application. Claims 101, 102, 104-106, 109-116 and 120-127 fully meet all statutory requirements for patentability. Withdrawal of the Examiner’s rejections and allowance and action for issuance are respectfully requested.

Applicants respectfully request that the Examiner call the undersigned attorney at (212) 790-9090 if any questions or issues remain.

Respectfully submitted,

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Enclosures